

1 Hon. Richard A. Jones
2
3
4
5
6
7
8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 IN RE COPYRIGHT
10 INFRINGEMENT ACTIONS
11 BROUGHT BY CRIMINAL
12 PRODUCTIONS, INC.

Nos. C16-729 RAJ, C16-860 RAJ,
C16-1016 RAJ, C16-1177 RAJ,
C16-1272 RAJ, C16-1351 RAJ,
C16-1352 RAJ

13 STANDING ORDER
14
15

**READ THIS ORDER CAREFULLY.
IT CONTROLS THIS CASE AND DIFFERS
IN SOME RESPECTS FROM THE LOCAL RULES.**

16 This Standing Order supersedes the Standing Order for Civil Cases Assigned
17 to Judge Richard A. Jones entered in the above captioned cases.

- 18
- Plaintiff(s) must serve this Order on all Defendant(s) along with the
19 Summons and Complaint.
 - If this case was assigned to this Court after being removed from state court,
21 the Defendant(s) who removed the case must serve this Order on all other
22 parties.

23 This case has been assigned to Judge Richard A. Jones. To secure the just,
24 speedy, and inexpensive determination of this action, counsel are ordered to
25 familiarize themselves with the Federal Rules of Civil Procedure ("Fed. R. Civ. P.")
26 and the Local Rules ("L.R.") of the Western District of Washington.

- 1 **1. Mandatory Chambers Copies:** Mandatory chambers copies are required for
2 e-filed documents that exceed 50 pages. Please refer to L.R. 10(e)(9).
- 3 **2. Service of Pleadings:** Plaintiff must promptly serve the Complaint in
4 accordance with Fed. R. Civ. P. 4 and file proof of service. Any "Doe" or
5 fictitiously named defendant who is identified in an amended complaint must
6 be served within 90 days after the amended complaint is filed. Any defendant
7 not served in accordance with this requirement will be dismissed pursuant to
8 Fed. R. Civ. P. 4(m).¹
- 9 **3. Temporary Restraining Orders and Injunctions:** Parties seeking
10 emergency or provisional relief must comply with Fed. R. Civ. P. 65 and L.R.
11 65.
- 12 **4. Actions Invoking Subject Matter Jurisdiction Based on Diversity:** The
13 burden of persuasion for establishing diversity jurisdiction rests on the party
14 asserting it and must be supported by competent proof. To determine a
15 corporation's "principal place of business" for the purposes of diversity
16 jurisdiction, the Court will apply the "nerve center" test, which was adopted
17 by the U.S. Supreme Court in *Hertz Corp. v. Friend*, 559 U.S. 77 (2010).
18 The "nerve center" test looks to the single location where the "corporation's
19 high level officers direct, control, and coordinate the corporation's activities."
20 *Id.* at 80. The "nerve center" will typically be the corporation's headquarters,
21 provided that the headquarters is the actual center of direction, control, and
22 coordination, and not simply an office where the corporation holds its board
23 meetings. *Id.* at 81. Further, the court reminds plaintiffs that they must allege
24 the citizenship of each owner/member of any defendant that is a limited

25

¹ The Court expects Plaintiff to proceed with reasonable diligence throughout the duration
26 of this matter. For guidance, the Court directs Plaintiff to review the Standing Case
Management Order entered in *Dallas Buyers Club, LLC*, No. C15-582 RAJ (Dkt. #8).

liability company. *See Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006) (“We therefore join our sister circuits and hold that, like a partnership, an LLC is a citizen of every state of which its owners/members are citizens.”). If a party seeks to remove an action to this Court on the basis of diversity in a case where it is not clear from the Complaint that more than \$75,000 is in controversy, the removing party must prove by a preponderance of the evidence that the amount in controversy meets the jurisdictional threshold. *Matheson v. Progressive Specialty Ins. Co.*, 319 F.3d 1089, 1090 (9th Cir. 2003). The Court will consider facts presented in the removal petition as well as any summary-judgment-type evidence relevant to the amount in controversy at time of removal. *Id.* Conclusory allegations as to the amount in controversy are insufficient. *Id.* Parties must file an Amended Complaint or Amended Notice of Removal within **fifteen days from the date the action is assigned to Judge Jones** if there is a doubt as to whether they have established the citizenship of the parties or whether they have established the amount in controversy. Failure to comply may result in dismissal or remand.

5. **Meet and Confer Requirement:** For all cases, except applications for temporary restraining orders and motions for early discovery filed prior to the identification of any “Doe” or fictitiously named defendants, counsel contemplating the filing of any motion shall first contact opposing counsel to discuss *thoroughly*, preferably in person, the *substance* of the contemplated motion *and any potential resolution*. The Court construes this requirement strictly. Half-hearted attempts at compliance with this rule will not satisfy counsel’s obligation. The parties must discuss the substantive grounds for the motion and attempt to reach an accord that would eliminate the need for the

1 motion. The Court strongly emphasizes that discussions of the substance of
2 contemplated motions are to take place, if at all possible, in person. *All*
3 motions must include a declaration by counsel briefly describing the parties'
4 discussion and attempt to eliminate the need for the motion and the date of
5 such discussion. Filings not in compliance with this rule will be stricken.

6 **6. Applications to Seal Documents:** It is the Court, not the parties, that
7 determines whether a document can be filed under seal. The Court will only
8 permit filings under seal if the party seeking to seal the information
9 demonstrates why the public's traditional right of access to court documents
10 and the public policies favoring disclosure are outweighed by good cause (if
11 the motion is not case-dispositive) or compelling reasons (if the motion is
12 case-dispositive or the information is included in the operative complaint)
13 that support keeping the information under seal. The fact that a party has
14 designated a particular document "Confidential" is not sufficient to convince
15 the Court that good cause or compelling reasons exist to seal that document.

16 **7. Attorney's Fees Motions:** All motions seeking attorney's fees must be
17 accompanied by an appropriate declaration that attaches all relevant
18 timesheets and costs.

19 **8. Discovery and Initial Disclosures:** The parties shall not file initial
20 disclosures and other discovery on the court's docket, unless such discovery
21 is the subject of a motion.

22 **9. Legal Citations:** All motions, oppositions, and replies must be supported by
23 relevant legal authority. Citations should be in Blue Book format and must
24 be included in the body of the briefing – the Court does not allow citations in
25 footnotes or endnotes.

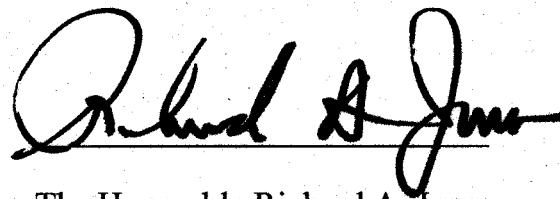
1 **10. Searchable PDFs:** Motions, oppositions, and replies filed electronically
2 must be submitted in PDF format to permit text searches and to
3 facilitate transmission and retrieval. Before these documents are
4 electronically filed, the CM/ECF User shall convert the documents to
5 PDF format. These documents may not be scanned.

6

7 Failure to comply with this Order may result in sanctions. The Local Rules
8 and Federal Rules of Civil Procedure control any issue not specifically addressed in
9 this Order. The Court thanks counsel and the parties for their anticipated
10 cooperation. Counsel are advised to check the Court's procedures regularly, as they
11 are subject to change.

12

13 DATED this 7th day of September, 2016.



14

15 The Honorable Richard A. Jones
16 United States District Court Judge